

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

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# MULTIMEDIA UNIVERSITY

## FINAL EXAMINATION

TRIMESTER 2 2019/2020

### UCL1622 – CONSTITUTIONAL LAW II

(All Sections / Groups)

28 February 2020

Reading Time : 9.00 a.m. – 9.15 a.m.

(15 Minutes)

Answering Time: 9.15 a.m. – 12.15 p.m.

(3 Hours)

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#### INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 3 Pages and 5 Questions only.
3. In Part A attempt either Question 1A or 1B. Part B is Compulsory. The distribution of the marks for each question is given.
4. Students are allowed to bring into exam hall a **CLEAN** and **ORIGINAL** copy of Federal Constitution. "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.
5. Please write all your answers in the Answer Booklet provided

**PART A:**

**ANSWER either Question 1A OR 1B only**

**QUESTION 1A**

*"The right to freedom of religion is one of the fundamental rights guaranteed in many international and regional human rights instruments. For example, the right to freedom of religion is guaranteed under Article 11(1) of the Federal Constitution."*

- Ahmad Masum, Freedom of Religion under the Malaysian Federal Constitution [2009] 2 CLJ i

Based on the above statement, discuss the freedom of religion in the position of Malaysia. Support your answer with the necessary provisions and case laws.

**(Total: 25 marks)**

**OR**

**QUESTION 1B**

*"The Federal Constitution of Malaysia provides sufficient protection to all citizens as far as the basic rights of a person is concerned. The provisions of the Malaysian Constitution, plus a general respect for the rule of law, have indeed ensured that rights are generally upheld."*

Discuss the fundamental liberties guaranteed under the Federal Constitution with reference to relevant constitutional law principles and decided cases.

**(Total: 25 marks)**

**Continued...**

**PART B****ANSWER All Questions****QUESTION 2**

Charles was driving his car along Taman Merdeka in the city of Petaling Jaya. After a while, a police patrol car suddenly overtakes his car and instructed him to park the car at the shoulder of the road. Two police officers came out from the car and introduced themselves as Inspector Abu and Corporal Samad. After they introduced themselves, they conducted a search in Charles' car at the road side. Inspector Abu told Charles that they suspected him to be smuggling prohibited goods, and was on his way to distribute them to various individuals around Petaling Jaya.

When Corporal Samad and Inspector Abu found nothing in Charles' vehicle, they asked him to drive his car to the nearest police headquarter. At the police headquarters, Charles was informed that he could leave, but his car had to be detained for three (3) additional days. No justification was given to Charles as to why his car was detained at the police headquarters. He however, was not charged with any offence.

Advise Charles based on the Police Act 1967. Will your answer be any different if an arrested smuggler describes a person that resembles Charles as an accomplice to his smuggling activities?

What would be your advice if Charles is also unhappy that his vehicle was severely damaged at the police station. The roof of the car was dented and the tyres were deflated. He tried making a complaint but was ignored by the police. The officer told Charles that he would not entertain any report from Charles. Charles is now determined to lodge a complaint against the police officer.

**(Total: 25 marks)**

**QUESTION 3**

*"The right to life and personal liberty are fundamental provisions concerning civil rights under the Federal Constitution. These rights should only be removed under very limited circumstances. Unfortunately, the Federal Constitution does not limit the exceptions."*

Discuss the above statement with reference to relevant constitutional provisions and decided cases.

**(Total: 25 marks)**

**Continued...**

**QUESTION 4**

Article 150 in the Federal Constitution, even though it is essential, might be abused if it goes unchecked.

Discuss whether there is any check and balance provided by the Federal Constitution to control such great power and does the Yang Dipertuan Agong has the power to proclaim emergency based on his personal discretion.

**(Total: 25 marks)**

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